

FILED

um

D. W. Hunter

1275 Lincoln Ave., Ste #1

St. Paul, MN 55105

612-395-9111(F)

JAN - 5 2015

THOMAS G. BRUTON
CLERK, U.S. DISTRICT COURT**UNITED STATES DISTRICT COURT**
NORTHERN DISTRICT OF ILLINOIS**Judge: Edmond E. Chang**Case NO. 14CV6011D. W. HUNTER, an Individual, an
Individual, and LARNELL EVANS,
JR., an Individual, ("AUNT
JEMIMA")
PLAINTIFFS'

vs.

PEPSICO Inc., a Corporations, JANET
LYNN SILVERBERG, an Individual,
THE QUAKER OATS COMPANY, a
Corporation, PINNACLE FOODS
GROUP, LLC, Corporation, and DOES
1 through 25, inclusive,
DEFENDANTS.**OBJECTION TO DOCKET 74 AND**
DEFENDANT JANET SILVERBER'S
REPLY MEMORANDUM IN
SUPPORT OF THEIR FRAUDULENT
MOTION TO DISMISS

COMES NOW, PLAINTIFF BRINGING FORTH this Objection to Docket 74, And Defendants PepsiCo, The Quaker Oats Company, and Janet Silberberg's Fraudulent Reply Memorandum In Support of their Fraudulent Motion to Dismiss while deliberately obstructing material evidence from being released from Vital Statistics, and obstructing Sheriff's Department from relinquishing the Homicide Report of Nancy Green. At the time of Great Grandma Anna Short Harrington's premature demise, the person in 1955 that would have been appointed the head of the Estate would have been **Aunt Laura Mae Patterson**, who is now **deceased**. Plaintiffs are the Great Grandsons and heirs of Great Grandma Anna Short Harrington, and Grandma Olivia Hunter, and nephews of Aunt Laura Mae Patterson. Plaintiff Dannez W. Hunter was the "last person" to kiss Grandma Olivia Hunter and Aunt Laura goodbye, as well as, the last family member to leave the both gravesites. Plaintiff has not been able to respond to the question of probate because Plaintiff is searching for probate documents, and could not respond to the question prior, because Plaintiff has had to has had to move several times in 3 years. Plaintiff did hire an investigator in order to obtain any documents, and due to the plot to disenfranchise and destabilize our family in a three year window, plaintiff is searching for said documents.

1 The reason why the Conspirators are trying to use as a bogus argument concerning **"Lawful**
2 **Executors;"** in order, to cover up consorted acts leading to wrongful death is, because they know that
3 prior to my Grandmother's demise they did not allocate her a full accounting of proceeds, revenue or
4 allocate her resources that would enable her or pre-empted her to hire an attorney to establish her
5 financial orders. In addition, prior to this legal action commencing a former government agent using
6 **"instruments of the government"** served my mother Inez Hunter with an **eviction notice within seven**
7 **business days of initially contacting PepsiCo;** in order, to intimidate and/or neutralize the principal
8 party Plaintiff heir. (Section § 1512 of Title 18 plainly covers such conduct, for it speaks of conduct
9 directed toward "another person." See 128 Cong. Rec. H8203 (daily ed. Sept. 30, 1982). The scheme
10 was to cause mistake, delay, and obstruct the due course of justice by shutting down two teams of
11 attorneys.

12 Within **7 days** of initially contacting PepsiCo, immediately thereafter **"Eviction Papers"** were
13 served upon the Plaintiff's mother, just like eviction papers have been recently served upon the
14 **Plaintiff's Sister** for the **December 8, 2014** date, of which, reflects a form of impropriety by the dates
15 as the court has simultaneously set a motion to dismiss. The Court is aware the Conspirators have
16 engaged in acts to violate the plaintiff's constitutional rights prior to litigation commencing; in order, to
17 obstruct the presentation of a claim to the government. If the consorted acts were not deliberate or
18 collusion in nature or calculated then why was there an **eviction served upon my mother within 7**
19 **days of contacting PepsiCo, and another eviction served upon my sister on the same day** the court
20 has set the schedule for a Motion to Dismiss Rule 12(c), while crucial documents are being withheld,
21 thus reflecting events that are occurring in time, and indicative of more than just actus reus?

22 **Plaintiff's complaint does state actionable claims.** Indeed state or federal court systems are
23 adversarial; however, obstructing justice, and attempting to **"fix" a case ("emphasis added")** by
24 obstructing an African Americans litigant from timely gathering material evidence to attach to a
25 pleading does prejudice a pro se litigant against corporations when the court is aware crucial evidence
26 is readily available and known to be located inside government state and federal agencies and needed to
27 respond to a Rule 12(c) fraudulent motion to dismiss. The court knows this form of obstruction of
28 justices constitutes a violation of the Federal Rules of Criminal Procedure, Federal Rules of Evidence,
and International law, and warrant default of judgment against the perpetrator of these activities.

1 Plaintiff is requesting that the Judge Chang not allow the Defendants to "defile" again the Federal Court
2 by their premeditated acts.

3 A state judge is a state judicial officer, paid by the State to act impartially and lawfully. A
4 federal judge is a federal judicial officer, paid by the federal government to **act impartially and**
5 **lawfully**. State and federal attorneys fall into the same general category and must meet the same
6 requirements. A judge is not the court. *People v. Zajic*, 88 Ill.App.3d 477, 410 N.E.2d 626 (1980).
7 However, the Plaintiff request the court to recognize the Defendants consorted acts to obstruct two
8 licensed teams of attorneys from obtaining 1 piece of paper in 10 months / material evidence readily
9 available inside Vital Statistic, the U.S.P.T.O., and the Sheriff's office. These acts have caused a delay
10 in receipt of material evidence, and thereafter the Conspirator conscripted an Inspector General to enter
11 a fraudulent Rule 12(b) motion to dismiss for the purpose to subvert and pervert the judicial process
12 constitutes an abridgment of Constitutional rights and is fraud upon the court.

13 "Fraud upon the court" has been defined by the 7th Circuit Court of Appeals to "embrace that
14 species of fraud which does, or attempts to, **defile the court itself**, or is a fraud perpetrated by officers
15 of the court so that the judicial machinery cannot perform in the usual manner its impartial task of
16 adjudging cases that are presented for adjudication." *Kenner v. C.I.R.*, 387 F.3d 689 (1968); 7 Moore's
17 Federal Practice, 2d ed., p. 512, ¶ 60.23. The 7th Circuit further stated "a decision produced by fraud
18 upon the court is not in essence a decision at all, and never becomes final." "Fraud upon the court"
19 makes void the orders and judgments of that court. Courts have repeatedly held that positive proof of
20 the partiality of a judge is not a requirement, only the appearance of partiality. *Liljeberg v. Health*
21 *Services Acquisition Corp.*, 486 U.S. 847, 108 S.Ct. 2194 (1988) (what matters is not the reality of bias
22 or prejudice **but its appearance**); *United States v. Balistreri*, 779 F.2d 1191 (7th Cir. 1985) (Section
23 455(a) "is directed against the appearance of partiality, whether or not the judge is actually biased.")
24 ("Section 455(a) of the Judicial Code, 28 U.S.C. §455(a), is not intended to protect litigants from actual
25 bias in their judge but rather to **promote public confidence in the impartiality of the judicial**
26 **process**."). The Supreme Court has ruled and has reaffirmed the principle that "**justice must satisfy**
27 **the appearance of justice**", *Levine v. United States*, 362 U.S. 610, 80 S.Ct. 1038 (1960), citing *Offutt*
28 *v. United States*, 348 U.S. 11, 14, 75 S.Ct. 11, 13 (1954). A judge receiving a bribe from an interested
party over which he is presiding, does not give the appearance of justice.

Should a Magistrate of Federal Judge become aware that a Defendant 'utilized instruments of the government' to irreparably injury a American citizen at the behest of a Corporation; in order to obstruct the presentation of a claim in a scheme to cause mistake, or delay, or impede the presentation of a claim ~~and~~ readily available material evidence, then the judge has the power to remedy the abridgment of Due Process Clause of the U.S. Constitution, and rebalance the scales so that justice must satisfy the appearance of justice. United States v. Sciuto, 521 F.2d 842, 845 (7th Cir. 1996) ("The right to a tribunal free from bias or prejudice is based, not on section 144, but on the Due Process Clause.").

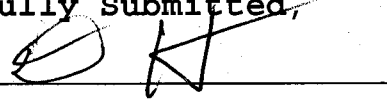
Why has the court not docketed the Plaintiff's Objection against Hillshire submitted to the Court of November 2, 2014, as they bring forth a fraudulent pleadings claiming a non-response? Plaintiff objects to any and all statements by Hillshire, and requests the court to deny their motion to dismiss with prejudice.

This case, now before the court will greatly impact the very core of the American justice system that will forever change the dynamics of how America is perceived in the eyes of the world. In the case now before the Federal Court, the Defendants have not refuted one line or one word regarding the nexus of the Conspiratorial criminal activities surrounding depositing women of color's true likeness inside the USPTO claiming the women to be fictional, attempting to steal, past, present and future revenue stream exceeding \$2 billion dollars, all while Nancy Green was murdered, there's no autopsy report on the Death Certificate of Great Grandma Anna Harrington, as the homicide report and certified death certificate is being obstructed, with a lead attorney as an inspector general. Rather than respond to the **complaint**, the Conspirators chose a path to deposit fraudulent pleading predicated upon their direct acts of collusion outside of court to prevent the presentation of legitimate claims. The Defendants have conspired to prevent the plaintiff's family from having two teams of attorneys from developing a civil complaint to be submitted to a federal judiciary by impairing their ability to gather **one piece of paper over 10 months**. In a serial pattern, Michael Brown case, Supreme Court Justice Scalia said, the decision was the result of a process that turned the purpose of a grand jury on its head, just like in the current case now before the court. The same abridgment of due process and equal protection occurred in the Treyvon Martin murder, the murder of 43-year-old Eric Garner, the murder of John Crawford III. Plaintiff is requesting to Amend his civil complaint to add the Certified Death Certificate of Aunt Deloris Hoffman, the trademarks of Nancy Green, and the Death Certificate of Nancy Green and the

1 homicide report of Nancy Green. Plaintiff will cut out the Fifth and Fourteenth Causes of Action.
2 Plaintiff asserts after said documents are obtained he is requesting a date to file an injunction against the
3 Defendants. Plaintiff will be in court on the 8th to face the Conspirators.

4 **DATED: December 4, 2014**

Respectfully Submitted,



CERTIFICATE OF SERVICE

FOR THE COUNTY OF]
 RAMSEY IN THE]ss.
 STATE OF MINNESOTA]

Case No.: 14-CV-6011

I, _____, HEREBY certify that I am over the age of 18 years old, and located at 1275 Lincoln Ave., Ste #1, St. Paul, MN 55105. I certify that I have placed a prepaid postage, true and complete original to the court and copies to the party(is) of record at the U.S. Postal Office located at Post Office on the date of Dec. 4, 2014, for this action of the following:

Objection + Memorandum +

Mr. Dean N. Panos
 Jenner & Block LLP
 PepsiCo,
 The Quaker Oats Company
 353 N. Clark Street, Chicago, IL 60654-3456
 | jenner.com
 (312) 923-2765 | TEL
 (312) 840-7765 | FAX

Stephanie A. Scharf
 Scharf, Banks & Maromor
 333 West Upper Wacker Drive
 Suite #450
 Chicago, IL 60606
 312-662-6999
 Email: scharf@scharfbanks.com

Almee E. Graham
 John I. Grossbart
 The Hillshire Brands Company,
 Associate
 Dentons U.S. LLP
 233 South Wacker Drive
 Suite #7600
 Chicago, IL 606-6-6404

c/o Clerk
 United States District Court
 Northern District of Illinois
 Everett McKinley Dirksen
 United States Courthouse
 219 South Dearborn Street
 Chicago, IL 60604

I declare under the penalty of perjury under the laws of the State of Minnesota and/or N. Carolina that the above is true and correct.

Date: 12/04/14

Respectfully Submitted,

